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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,639	06/23/2005	Reinhard Koch	INA-PT145 (4151-18-US.1)	5384
3624 7590 03/18/2009 VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			EXAMINER BOWES, STEPHEN M	
			ART UNIT 3657	PAPER NUMBER
			MAIL DATE 03/18/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/540,639	<b>Applicant(s)</b> KOCH, REINHARD	
	<b>Examiner</b> STEPHEN BOWES	<b>Art Unit</b> 3657	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

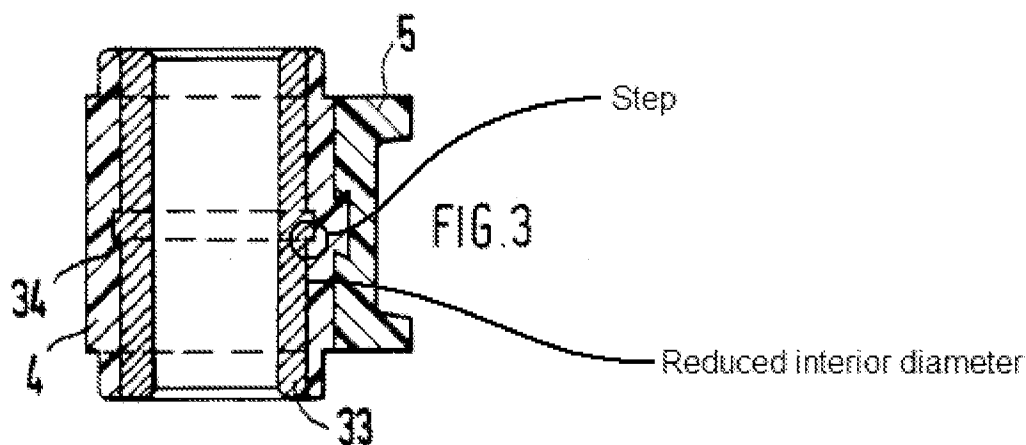
2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gröger et al (US 4,832,664) in view of Diehm (US 6,036,613).

As per claim 1, Gröger et al discloses a tensioning or guide rail assembly (Title) for a tensioning rail or a guiding rail (Col. 4, lines 26-27) of a chain drive (Col. 4, lines 26-27) of an internal combustion engine (Col. 4, lines 26-27). Although they disclose a stepped, symmetrical bushing (33), they fail to disclose two identical bushings. However, mere duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a bush with the slotted bore in order to better retain the bearing pin.

Using this modification, Gröger et al further discloses two metal bushings (33) which are inserted into mounting holes of a plastic supporting body (4), the bushings are identical and each comprise a rotationally symmetrical body (33). and the bushings are inserted into the mounting holes of the supporting body (4; Col. 3, lines 15-17) with an end section of the bushings facing the motor being provided with a circular step (34) for

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a transition to a reduced exterior diameter (34), the supporting body includes a step with a reduced interior diameter located in each of the mounting holes on a side of the supporting body facing the engine, the bushings are preassembled with the supporting body with the circular steps of the bushings axially held to the steps in the supporting body (34).



However, Gröger et al fails to disclose wherein the tensioner is adapted to be being mounted by screws extending through the bushings to and axially contacting a motor housing. Diehm discloses a guide rail adapted to be being mounted by screws (29) extending through the bushings to and axially contacting a motor housing (Col. 3, lines 43-45). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bushings, bearing pins and pin connections of Gröger et al by threading them as taught by Diehm in order to improve the engine and guide rail bond and allow for easier manual manipulation.

As per claim 2, Gröger et al and Diehm disclose the assembly according to claim

1. Gröger et al further discloses wherein the support body with the mounting holes is surrounded by the guiding rail or tensioning rail formed from plastic (Col. 2, lines 32-33).

As per claim 3, Gröger et al and Diehm disclose the assembly according to claim

1. Gröger et al further discloses wherein the bushing, is used at a tensioning rail (Col. 1, lines 25-26), and inside at least one of the mounting holes a gap is provided (gap is implicit; there are only two joints and the slotted bore is known to be moveable, Col. 3, lines 13-20) to allow pivoting of the support body around a bushing axis (Col. 3, lines 13-20).

As per claim 4, Gröger et al and Diehm disclose the assembly according to claim

1. Gröger et al further discloses wherein at least one of the mounting holes of the support body is a reference bore or a primary mounting hole (hole inside bushing does not have specific name, Fig. 3).

As per claim 5, Gröger et al and Diehm disclose the assembly according to claim

4. Gröger et al further discloses wherein the other mounting hole is formed as an oblong hole in the supporting body (35) in addition to the reference bore.

As per claim 6, Gröger et al and Diehm disclose the assembly according to claim

5. However, Gröger et al fails to disclose wherein a bead is located on a wall region of the reference bore and of the oblong bore, and is received in a circular groove located in an outer surface of the inserted bushing. Collar 34 is rectangular and prevents the bushing from sliding out in the same way as the bead does. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use

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a semicircular shape in lieu of the rectangular collar, since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art. *In re Dailey*, 149 USPQ 47 (CCPA 1966).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claim 1, applicant's arguments are directed towards amendments to the claims as well as the perceived absence of a step. The collar (34) qualifies as previously explained and an additional figure has been included to better illustrate the claimed step-like quality of the feature. Applicant added a further limitation of two identical bushings, rather than only one, requiring a new rejection.

Regarding claim 6, applicant argued that Gröger et al lacks a claimed bead. Collar (34) differs from the claimed bead in that it has a rectangular cross-section, rather than an arcuate one, while performing the same function in the same way.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Young et al (US 6,572,502); Plastic tensioner with identical shoulder bolts.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHEN BOWES whose telephone number is (571) 270-5787. The examiner can normally be reached on M-F 7:30am-5:00pm, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bradley T King/  
Primary Examiner, Art Unit 3657

/STEPHEN BOWES/  
Examiner, Art Unit 3657